

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
BRUNSWICK DIVISION**

JULIO RAMOS,

Petitioner,

vs.

SUZANNE HASTINGS, Warden, and  
ERIC HOLDER, Attorney General,

Respondents.

CIVIL ACTION NO.: CV213-095

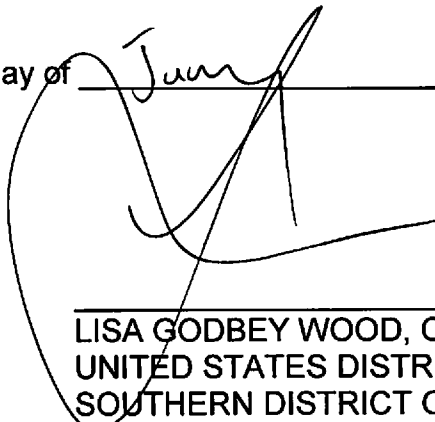
**ORDER**

After an independent and *de novo* review of the record, the undersigned concurs with the Magistrate Judge's Report and Recommendation, to which Petitioner Julio Ramos ("Ramos") filed Objections. In his Objections, Ramos attempts to show that this Court has jurisdiction to entertain his 28 U.S.C. § 2241 petition. Most of the assertions Ramos makes reaffirm that his contentions should be brought pursuant to 28 U.S.C. § 2255 in the district of conviction. To the extent Ramos asserts that his sentence exceeds the maximum allowed by the treaty between the United States of America and the Dominican Republic, he cannot bring this claim in a section 2241 petition. Ramos brought this claim in his section 2255 motion, albeit under the rubric of his ineffective assistance of counsel claims. (Doc. No. 4-4). In order to meet the savings clause of § 2255 and proceed pursuant to section 2241 "the claim must be based upon a retroactively applicable Supreme Court decision" and "the Supreme Court decision must

have overturned a circuit precedent that squarely resolved the claim so that the petitioner had no genuine opportunity to raise it at trial, on appeal, or in his first § 2255 motion.” Williams v. Warden, Fed. Bureau of Prisons, 713 F.3d 1332, 1343 (11th Cir. 2013).

Ramos’ Objections are **overruled**. The Magistrate Judge’s Report and Recommendation is adopted as the opinion of the Court. Respondent’s Motion to Dismiss is **GRANTED**. Ramos’ petition for writ of habeas corpus, filed pursuant to 28 U.S.C. § 2241, is **DISMISSED**. The Clerk of the Court is directed to enter the appropriate judgment of dismissal.

SO ORDERED, this 27 day of June, 2014.

  
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LISA GODBEY WOOD, CHIEF JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA